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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

: Hon. *Chester*

v.

: Criminal No. 08-786(SRC)

JOHNNY MARMOLEJOS

: CONSENT JUDGMENT
AND PRELIMINARY
: ORDER OF FORFEITURE

This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey, (Assistant United States Attorney Jacob T. Elberg, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant Johnny Marmolejos (Paul Condon, Esq. appearing) having consented to the request; and the Court having found that:

WHEREAS, in accordance with the Plea Agreement filed on or about *Oct 21*, 2008 entered into between the United States of America and defendant Johnny Marmolejos in the above matter, the defendant, pursuant to 18 U.S.C. § 924(d)(1), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), has agreed to forfeit to the United States the following property:

(1) one 9mm Beretta, Pietro S.P.A. pistol, bearing serial number D43859Z

(hereinafter the "Forfeited Property" or "the Forfeited Firearm"); and

WHEREAS, defendant, Johnny Marmolejos, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

WHEREAS, defendant, Johnny Marmolejos, has agreed not to contest the forfeiture of the above referenced property;

WHEREAS, by virtue of the above, the United States is now entitled to possession of the Forfeited Property pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) , and 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure; and

WHEREAS, defendant Johnny Marmolejos has waived and abandoned all right, title and interest in the Forfeited Firearm; and defendant Johnny Marmolejos has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Firearm, and waived and released any claim that defendant might otherwise have made to that property in the future; and

WHEREAS, defendant Johnny Marmolejos having consented to the destruction of the Forfeited Firearm; and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED AND DECREED:**

1. That the Forfeited Property, specifically:

(1) one (1) 9mm Beretta, Pietro S.P.A. pistol, bearing serial number D43859Z

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

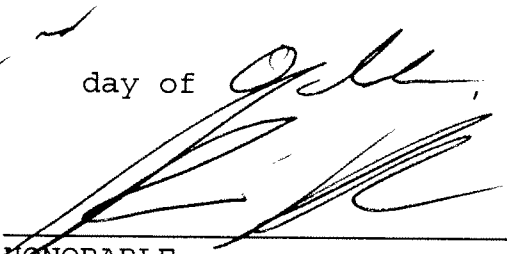
3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property; (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's right or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought;

4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Property that is the subject of this Consent Judgment and Preliminary Order of

Forfeiture, as a substitute for published notice as to those persons so notified; and

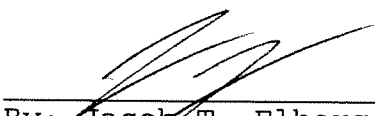
5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Firearm and Ammunition.

ORDERED this 22nd day of July, 2008.



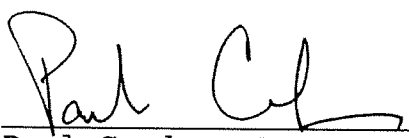
HONORABLE
United States District Judge

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY



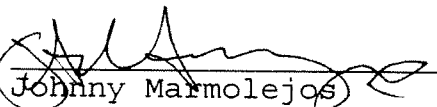
By: Jacob T. Elberg
Assistant U.S. Attorney

October 2, 2008
Dated



Paul Condon, Esq.
Counsel for the Defendant

10/17, 2008
Dated



Johnny Marmolejos
Defendant

10/17, 2008
Dated